

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING MONDAY, OCTOBER 4, 2010 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**



AGENDA

1. CALL TO ORDER – 6:30 p.m.
2. ROLL CALL - CITY CLERK
 - All present with the exception of Commissioner Deyette.
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:
 - A. Minutes:

Regular City Commission Meeting – September 20, 2010.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of September 20, 2010 as corrected.
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentations - Superstar Students of the Month Certificates.
 - B. Proclamation – Fire Prevention Month – October, 2010.
 - C. Proclamation - Italian Heritage Month - October, 2010.

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

The Commission voted unanimously to approve Consent Items 7-B and 7-C.

A. Request for Approval for Award of RFP 10016, Energy Efficient Lighting.

The City has been awarded an ARRA Energy Efficiency and Conservation Block Grant to provide and install alternate energy for Municipal Street, Park and Security Lighting for \$250,000, less 10% administrative cost. Staff requested proposals from companies to propose the type of lighting at each location not to exceed the grant award total along with pictures and specifications on the type(s) of lighting and the cost for each. Companies were invited to submit more than one proposal if they were proposing both Solar and LED lighting.

Nine proposals were received from the following companies:

- *Calkins Electric Construction Co.*
- *C&S Companies*
- *Elite Construction of Ocala, Inc.*
- *Guy Barrette Electric (Solar Lighting)*
- *Guy Barrette Electric (LED Lighting)*
- *Professional Highway Maintenance, Inc.*
- *Rich's Electrical Service*
- *Signal Technology & Installation Corp.*
- *Taranto Electric, Inc.*

The Selection Committee members were Cy Butts, Steve Moore and Gerald Chancellor. They performed a complete review of the proposals received. The Committee met on July 2, 2010. After some discussion, they decided that interviews/presentations were not necessary and made a motion to rank the firms in the following order:

- 1. Guy Barrette Electric*
- 2. Elite Construction of Ocala, Inc.*
- 3. Taranto Electric, Inc.*

The intention is to make award to the highest ranked firm, Guy Barrette Electric, to provide Solar Lighting. If, for any reason, a final agreement is not reached with Guy Barrette Electric, the Committee will continue with the next highest ranked firm and continue until a mutual agreement is reached and award is made.

After discussion, the Commission voted unanimously to approve award of RFP#10016 to Guy Barrette Electric at a total cost of \$224,930.

***B. Request for approval of Award of Bid #PW 10-05, Culvert Replacement and Utility Improvements at the intersection of Kingway Dr. and Lehigh Dr.**

The Public Works Division solicited bids for the Culvert Replacement and Utility Improvements at the intersection of Kingway Dr. and Lehigh Dr. This project consists of the replacement of an existing 60" corrugated metal culvert that is more than 30 years old with a new elliptical reinforced concrete pipe underneath the intersection of Kingway Drive West and Lehigh Drive. The existing metal culvert is severely deteriorated and is a major stormwater conveyance structure for drainage in this area. As part of this project, the intersection will be repaved and the existing 6" AC water main will be replaced with a C900 PVC 8" water main. The existing AC water main is in conflict with the new concrete culvert and has had several main breaks in recent years. The project is in the 2010-11 CIP budget and will be completed within 120 days of notice to proceed to the contractor.

The bid was solicited on demandstar and went out to 959 Contractors. There were 51 plan holders for this bid and 6 responsive bids were received as follows:

- 1. J.D. Weber Construction \$108,416.00*
- 2. Hazen Construction, Inc. \$119,383.50*
- 3. Britt Construction \$144,821.05*
- 4. Briar Team, LLC \$150,000.00*
- 5. APEC, Inc. \$175,403.00*
- 6. Swell Construction \$182,978.00*

The low bidder, J.D. Weber Construction, was previously awarded the Covington/Slater Drainage Improvements (Phase I and II). During this project, it was noted that J.D. Weber Construction had performance issues which delayed the closing out of the project and was unresponsive to City Staff. Based on these past performance issues with the Covington/Slater project, Staff are requesting that J.D. Weber Construction not be awarded this project and that the next lowest bidder be used.

A Certified Underground Utility and Excavation Contractor's License is a requirement for this project. Hazen Construction, Inc., has the required license

which was verified through the Department of Business and Professional Regulation.

Approved by Consent Agenda – to approve award of Bid #PW 10-05 for the Culvert Replacement and Utility Improvements at the intersection of Kingway Dr. and Lehigh Dr. to Hazen Construction, Inc. at a total cost of \$119,383.50.

*** C. Request for Approval of Award of Bid #PW 10-04, Drysdale Drive / Chapel Drive Flood Control.**

The Public Works Division solicited bids for the Drysdale Drive / Chapel Drive flood control project. This project is a major stormwater facilities improvement project, which includes the excavation of stormwater ponds, construction of two pumping stations, stormwater force mains, and potable water main upgrades on Elkcarn Blvd. This area has experienced flooding in earlier years and was identified as a CIP project previously by Public Works and the consulting stormwater engineers. Substantial storage volume will be constructed for stormwater runoff and the pumping stations will provide the capability to route the excess runoff to downstream drainage facilities for disposal. As part of this project, approximately 2,800 feet of existing AC water main will be upgraded to 16" C900 PVC main, in accordance with the master distribution system plan enhancements. The project is in the 2010-11 CIP budget and will be completed this budget year.

The bid was solicited on demandstar and went out to 1,673 Contractors. There were 74 planholders for this bid and 8 responsive bids were received as follows:

- 1. Hazen Construction, Inc. \$962,629.00*
- 2. ThadCon, LLC \$1,114,553.00*
- 3. J.D. Weber Construction \$1,145,482.50*
- 4. Progressive Contractors, Inc. \$1,162,480.75*
- 5. Truant / Crossroads Joint Venture \$1,197,108.00*
- 6. Masci Corporation \$1,277,117.00*
- 7. Briar Team, LLC \$1,420,000.00*
- 8. Phillips and Jordan, Inc. \$1,590,632.22*

A Certified Underground Utility and Excavation Contractor's License is a requirement for this project. The low bidder, Hazen Construction, Inc., has the required license which was verified through the Department of Business and Professional Regulation.

Approved by Consent Agenda – to approve award of Bid #PW 10-04 for the Drysdale Drive / Chapel Drive flood control project to Hazen Construction, Inc. at a total cost of \$962,629.00.

D. Resolution No. 2010-35, Expressing support for the Let's Move Cities and Towns Campaign.

At the Florida League of Mayors Board of Directors meeting, the Board voted to adopt a resolution supporting the Let's Move Cities and Towns Campaign. This is an initiative by First Lady Michelle Obama calling on Mayors and elected officials across the country to help solve the problem of childhood obesity. Her goal is to do what we can to reverse the nation's childhood obesity epidemic within a generation.

Let's Move Cities and Towns targets one of America's gravest public health threats and emphasizes the critical leadership Mayors and other City leaders can provide to spur local action. Participating cities and towns agree to take simple steps that promote healthy eating and physical activity, choosing strategies that make sense for their own communities.

Let's Move Cities and Towns encourages municipal officials to adopt a long-term, sustainable and holistic approach to childhood obesity. Once a municipality signs up as a prospective Let's Move City or Let's Move Town, the City will choose at least one significant action to take in the following 12 months.

After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve Resolution No. 2010-35 with the following changes: Page 1 of the Resolution, paragraph 2 should read "Whereas many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior activities and providing exercise opportunities for their residents." Also, page 2, Section 2 should read "The City of Deltona supports efforts to (1) help parents make healthy family choices, (2) provide access to healthy and affordable foods, and (3) promote physical activity."

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Ordinance No. 13-2010, Proposing an Amendment to Section 110-808.05(d)4.a., Minimum Width, of the City's Code of Ordinances Regarding Landscape Buffer Widths, for first reading.

On November 7, 2000, Section 110.808.05 of the City's Code of Ordinances was amended to create minimum landscaped buffer widths along City roadways. It established 15-ft. wide buffers along the edge of all local roads and 25-ft. wide buffers along most of the City's collector and arterial streets. These dimensions are viewed as reasonably proportionate to those roadway classifications and contribute to the aesthetic and environmental quality of the City. However, Section 808 also identifies seven (7) segments of collector and arterial roadways where minimum landscape buffer widths range from 30 to 65 feet. There is no purpose and need statement, documentation, and rational nexus provided that supports the buffer dimensions assigned to these corridors. Further, the varied

landscape buffer widths do not typically provide the contiguous uniformity for effectiveness when established along corridors.

This initiative recommends revising the minimum landscape buffer width for these seven (7) roadway segments to a uniform width of 25 feet. This adjustment will help achieve a reasonable balance along both sides of the corridor that includes improving aesthetic quality, design, continuity, increases mobility/function, and enhances economic development opportunities. The 25-ft. buffer width is sufficient to create an attractive and consistent corridor design and to showcase the quality of site and building architecture, as recommended in the City's adopted Urban Design Pattern Book. A portion of this buffer may also be used to accommodate future transportation facility improvements, including road segments, intersections, transit stops, and other mobility enhancements.

This item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 13-2010. Following that review, it was discovered that the formatting of Section 110-808.05 was incorrect. The formatting is also corrected by this Ordinance. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code.

After discussion, the Commission voted 3 to 3 (Commissioner Carmolingo, Vice Mayor McFall-Conte and Mayor Mulder voted against the motion) on the amended motion to adopt Ordinance No. 13-2010 at first reading to amend Section 110.808.05(d)4.a. of the City's Code of Ordinances, and to schedule the Ordinance for second and final reading on October 18, 2010.

After discussion, the Commission voted 3 to 3 (Commissioner Denizac, Commissioner Treusch and Commissioner Zischkau voted against the motion) on the original motion to adopt Ordinance No. 13-2010 at first reading to amend Section 110.808.05(d)4.a. of the City's Code of Ordinances, and to schedule the Ordinance for second and final reading on October 18, 2010. It was determined that no action will be taken on either motion.

B. Ordinance No. 14-2010, Proposing an Amendment to Section 110-810.02(b) of the City's Code of Ordinances Regarding Off-Street Parking Lot Lighting, for first reading.

Many of the existing provisions of the City's zoning ordinance pertaining to illumination of off-street parking lots provide adequate development review guidance. However, there is the ability to achieve reasonable flexibility in such lighting designs without compromising the fundamental goals of protecting the public's health, safety, and welfare. The proposed amendment includes language that helps avert a public nuisance caused by lighting that, by virtue of its type, size, or location, would create glare, annoyance, or discomfort for adjoining residents, motorists traveling on adjacent streets and air traffic. In addition, the currently adopted photometric standards limiting the intensity of illumination on

adjoining properties remains unchanged. The proposed language provides uniform height requirements for lighting fixtures that are subject to this Ordinance.

The item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 14-2010. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Development Code.

After Discussion, the Commission voted unanimously to approve amending Section 110-810.02(b) of the City Code of Ordinances, as provided in Ordinance No. 14-2010, at first reading and to schedule second and final reading for October 18, 2010.

C. Ordinance No.16-2010, Providing for an Amendment to Section 110.814.09 of the City's Code of Ordinances regarding Metal Buildings, Related Facade Treatment, and Landscape Buffers, for first reading.

The current Code of Ordinances requires special façade treatment for all proposed metal buildings, whether principal or accessory structures, that face residential or defined public uses, such as schools and parks. Staff opines that the existing provision regarding façade treatment for principal structures is warranted and can co-exist with adjacent land uses through offset screening and buffering. However, the placement of metal buildings, scaling, massing, and orientation between land uses needs to be addressed in greater detail.

As proposed, Ordinance No. 16-2010 allows for the use of metal structures that are no greater than 240 SF in size on non-residential properties that are visible from adjoining residential, commercial, and/or public sites, as well as from adjacent streets. These provisions are similar to those that apply within certain residential zoning districts. However, optional mitigation methods are provided for larger metal structures that meet the locational criteria cited in this amendment to achieve an attractive and reasonable visual separation between such structures and adjoining residential, commercial, and/or public areas.

This item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 16-2010. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code.

After discussion, the Commission voted unanimously to adopt Ordinance No. 16-2010 at first reading to amend Section 110.814.09 of the City's Code of Ordinances, and to schedule second and final reading for October 18, 2010.

D. Ordinance No. 15-2010, Providing for an amendment to Section 74-6, Zoning and Land Development Fees of the City's Code of Ordinances, for first reading.

The current development application fee schedule does not provide a distinct category for fees assigned to permits that are engineering-related. These fees include site engineering, stormwater management, right-of-way use, engineering inspection, land clearing, and stop-work order permits. In addition, there are no assigned fees to cover the administrative costs to perform reinspections of engineering permits. The recommended changes to the fee schedule consolidate all engineering-related permits under one table and provide for reasonable and progressive increases in fee costs, when repeat inspections are required for projects subject to site engineering reviews.

Proposed amendments per this item are to Section 1 of Ordinance No. 15-2010, which accurately revises reference to the Land Development Code by removing a portion of the title that states, "Zoning and" Land Development Code. The Ordinance also adds the words "engineering permits" to Section 1 for the inclusion of those permitting fees. Amendments to the fee schedule are provided by the accompanying Resolution No. 2010-34.

This item was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 15-2010. The proposed Ordinance will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code.

After Discussion, the Commission voted unanimously to approve Ordinance No. 15-2010 at first reading to amend Section 74-6, Zoning and Land Development Fees of the City's Code of Ordinances, and to schedule second and final reading for October 18, 2010.

E. Resolution No. 2010-34, Proposing an Amendment to Section 74-6 of Appendix A, Fee Schedule, of the City's Land Development Code Eliminating Certain Development Service Permit Fees and Establishing Engineering Permit Fees.

The current development application fee schedule does not provide a distinct category for fees assigned to permits that are engineering-related. These fees include site engineering, stormwater management, right-of-way use, engineering inspection, land clearing, and stop-work order permits. In addition, there are no assigned fees to cover the administrative costs to perform re-inspections of engineering permits. The recommended changes to the fee schedule consolidate all engineering-related permits under one table and provide for reasonable and progressive increases in fee costs, when repeat inspections are required for projects subject to site engineering reviews.

This item is tied to changes to Section 1 of Ordinance No. 15-2010, which accurately revises reference to the Land Development Code by removing a portion of the title that states, "Zoning and" Land Development Code. The Ordinance also adds the words "engineering permits" to Section 1 for the inclusion of those permitting fees. However, amendments to the fee schedule are provided by Resolution No. 2010-34.

The related Ordinance No. 15-2010 was reviewed by the Planning and Zoning Board (Board) at the September 15, 2010, meeting. The Board recommended that the City Commission adopt Ordinance No. 15-2010 and any accompanying changes to the fee schedule. The proposed Resolution No. 2010-34 and corresponding Ordinance No. 15-2010 will be consistent and compatible with the City Comprehensive Policy Plan and Land Development Code.

After Discussion, the Commission voted 3 to 3 (Commissioner Denizac, Commissioner Treusch and Commissioner Zischkau voted against the motion) to approve amending Section 74-6 of Appendix A, Fee Schedule, of the City Land Development Code to eliminate certain Development Service Permit Fees and establish Engineering Permit Fees, as provided in Resolution No. 2010-34. It was determined by the Commission that no action is needed on this item.

9. OLD BUSINESS:

10. NEW BUSINESS:

A. Discussion re: City Manager annual performance evaluation.

The City Manager's Employment Agreement, dated October 6, 2008, provides the following:

"Employer shall annually review the performance of the Employee, on or before October 6th of each year following execution of this Agreement, subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Employer and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation with each member of the Commission, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to the Employee within thirty (30) days of the evaluation meeting.

The Commission shall consider such salary or benefit increases as it may deem appropriate to remain competitive in the market. In any subsequent year, if the Commission should fail to evaluate the Employee's performance or fail to consider salary or benefit increases before October 6th of each year, the Employee shall automatically receive a four percent (4%) merit increase in salary

commencing thereon. As other salary adjustments are approved or otherwise occur for general employees such as cost of living adjustments, the City Manager Employment Agreement stands to also be amended accordingly."

On September 9, 2010, the City Manager provided the approved Performance Evaluation form to each member of the Commission with a requested date of completion of September 29, 2010. At the time of the agenda packet preparation, two members of the City Commission had completed the performance evaluation forms and three had met one on one with the City Manager. Copies of the completed evaluation forms as received prior to Monday's meeting will be kept in a file maintained by Tom Acquaro, Human Resources Director, and copies will be made available upon your request to Mr. Acquaro. Upon receipt of all evaluations, a written summary of the results will be provided to the City Commission.

In the event of a possible favorable outcome from the collective evaluations, I ask that the Commission not consider any salary increase at this time given the City's current financial situation and that our non-bargaining unit employees did not receive a salary increase for two (2) years.

After discussion, the Commission determined that no action is needed on this item.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.